

1 LATHAM & WATKINS LLP
Stephen Stublarec (Bar No. 69451)
2 Paul T. Llewellyn (Bar No. 216887)
505 Montgomery Street, Suite 2000
3 San Francisco, California 94111-6538
Telephone: (415) 391-0600
4 Facsimile: (415) 395-8095
Email: Paul.Llewellyn@lw.com

5 Attorneys for Plaintiff
6 PLANTRONICS, INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 PLANTRONICS, INC., a Delaware
corporation,

13 Plaintiff,

14 v.
15

16 AMERICAN HOME ASSURANCE
COMPANY, a New York corporation; THE
INSURANCE COMPANY OF THE STATE
17 OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
18 INSURANCE COMPANY, a New York
corporation,

19 Defendants.
20

CASE NO. C07-06038 PVT

**STIPULATION AND [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE TO JUNE 17, 2008**

(Honorable Patricia V. Trumbull)

STIPULATION

WHEREAS, the complaint was filed on November 29, 2007;

WHEREAS, on November 29, 2007, the Court set an initial case management conference for March 18, 2008;

WHEREAS, on January 31, 2008, plaintiff, Plantronics, Inc. ("Plantronics"), filed a motion to stay the action, pending resolution of underlying litigation currently pending against Plantronics, as to which this action relates;

WHEREAS, concurrently with its motion to stay proceedings, Plantronics filed a motion for an order shortening time on its motion to stay the action, requesting a hearing date on its motion to stay of February 19, 2008;

WHEREAS, on February 1, 2008, this Court denied Plantronics' motion for an order shortening time on its motion to stay the action;

WHEREAS, that order was specifically without prejudice to Plantronics' seeking a stipulated continuance of the scheduling deadlines;

WHEREAS, on February 4, 2008, defendant Atlantic Mutual Insurance Company ("Atlantic Mutual") filed a motion to dismiss plaintiff's complaint, which was set for hearing on March 18, 2008;

WHEREAS, on February 5, 2008, Plantronics re-filed its motion to stay the action, and set the motion for hearing on March 18, 2008;

WHEREAS, on February 12, 2008, the parties filed a stipulation and proposed order continuing the case management conference to April 22, 2008, because they believed it would be more efficient and it would avoid the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to stay and motion to dismiss before the case management conference was held, and before the parties met and conferred regarding initial disclosures, and they filed their Rule 26(f) reports;

WHEREAS, on February 12, 2008, the Court issued an order continuing the case management conference to April 22, 2008, and continuing the associated case scheduling deadlines accordingly;

1 WHEREAS, on March 11, 2008, the Court issued a notice that the hearing on
2 Plantronics' motion to stay and Atlantic Mutual's motion to dismiss had been continued to April
3 8, 2008;

4 WHEREAS, on March 25, 2008, the parties filed a stipulation and proposed order
5 continuing the case management conference to May 6, 2008, because they believed it would be
6 more efficient and it would avoid the possible waste of judicial resources to have the benefit of
7 the Court's rulings on the motion to stay and motion to dismiss before the case management
8 conference was held, and before the parties met and conferred regarding initial disclosures, and
9 they filed their Rule 26(f) reports;

10 WHEREAS, on March 26, 2008, the Court issued an order continuing the case
11 management conference to May 6, 2008, and continuing the associated case scheduling deadlines
12 accordingly;

13 WHEREAS, on April 8, 2008, the Court held a hearing on Plantronics' motion to
14 stay and Atlantic Mutual's motion to dismiss, and took the matters under submission;

15 WHEREAS, pursuant to the Court's March 26, 2008, order, the parties are to
16 meet and confer regarding initial disclosures by April 15, 2008, and to file their rule 26(f) reports
17 by April 29, 2008;

18 WHEREAS, the parties agree that it would be more efficient and it would avoid
19 the possible waste of judicial resources to have the benefit of the Court's rulings on the motion to
20 stay and motion to dismiss before the case management conference is held, and before the parties
21 meet and confer regarding initial disclosures, and they file their Rule 26(f) reports;

22 WHEREAS, the parties agree that the case management conference should be
23 continued to June 17, 2008, and the associated deadlines should be continued accordingly;

24 NOW, THEREFORE, subject to the Court's approval, the parties STIPULATE
25 that the case management conference scheduled for May 6, 2008, be continued to June 17, 2008,
26 and that the associated case scheduling deadlines be continued accordingly.

27 IT IS SO STIPULATED.
28

1 Dated: April 15, 2008

LATHAM & WATKINS LLP

2
3 By: Paul Llewellyn
4 Paul T. Llewellyn
5 Attorney for Plaintiff
6 Plantronics, Inc.

7
8 Dated: April __, 2008

ROPER, MAJESKI, KOHN & BENTLEY

9 By: _____
10 Dean A. Pappas
11 Attorney for Defendant
12 Atlantic Mutual Insurance Company

13
14 Dated: April __, 2008

LEWIS BRISBOIS BISGAARD & SMITH

15 By: _____
16 Timothy Kirk
17 Attorney for Defendants
18 American Home Assurance Company and
19 The Insurance Company of the State of
20 Pennsylvania

1 Dated: April __, 2008

LATHAM & WATKINS LLP

2
3 By: _____
4 Paul T. Llewellyn
5 Attorney for Plaintiff
6 Plantronics, Inc.

7 Dated: April 15, 2008

ROPER, MAJESKI, KOHN & BENTLEY

8 By: Dean A. Pappas
9 Dean A. Pappas
10 Attorney for Defendant
11 Atlantic Mutual Insurance Company

12 Dated: April __, 2008

LEWIS BRISBOIS BISGAARD & SMITH

13
14 By: _____
15 Timothy Kirk
16 Attorney for Defendants
17 American Home Assurance Company and
18 The Insurance Company of the State of
19 Pennsylvania

1 Dated: April __, 2008

LATHAM & WATKINS LLP

2
3 By: _____
4 Paul T. Llewellyn
5 Attorney for Plaintiff
6 Plantronics, Inc.


7 Dated: April __, 2008

ROPERS, MAJESKI, KOHN & BENTLEY

8 By: _____
9 Dean A. Pappas
10 Attorney for Defendant
11 Atlantic Mutual Insurance Company

12 Dated: April 15, 2008

LEWIS BRISBOIS BISGAARD & SMITH

13
14 By: 
15 Timothy Kirk
16 Attorney for Defendants
17 American Home Assurance Company and
18 The Insurance Company of the State of
19 Pennsylvania
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the above stipulation of the parties, and good cause appearing, IT IS ORDERED that the case management conference scheduled for May 6, 2008, shall be continued to June 17, 2008, and that the associated case scheduling deadlines shall be continued accordingly.

Dated: April __, 2008

Patricia V. Trumbull
United States Magistrate Judge